

B3
ATCC will be taken from the same deposit maintained at Pioneer Hi-Bred and described above. Additionally, Applicant(s) will meet all the requirements of 37 C.F.R. § 1.801 - 1.809, including providing an indication of the viability of the sample when the deposit is made. This deposit of Hybrid Maize Line 39W54 will be maintained without restriction in the ATCC Depository, which is a public depository, for a period of 30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it ever becomes nonviable during that period.

In the Claims

Claims 1, 5-7, 12, 16, 25 and 29 have been amended as follows:

B4
1. (Amended)

Hybrid maize seed designated 39W54, representative seed of said hybrid 39W54 having been deposited under ATCC accession number PTA-4268.

B5
5. (Amended)

A tissue culture of regenerable cells of a hybrid maize plant 39W54, representative seed of said hybrid maize plant 39W54 having been deposited under ATCC accession number PTA-4268, wherein the tissue culture regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant 39W54.

Sub
C1
6. (Amended)

A tissue culture according to claim 5, cells or protoplasts of the tissue culture being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

7. (Amended)

A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant 39W54, representative seed having been deposited under ATCC accession number PTA-4268.

12. (Amended)

B6 A maize plant according to claim 2, wherein the genetic material of said plant further comprises one or more transgenes.

16. (Amended)

B7 A maize plant according to claim 2, wherein the genetic material of said plant further comprises one or more genes transferred by backcrossing.

25. (Amended)

B8 A maize plant according to claim 20, wherein the genetic material of said plant further comprises one or more transgenes.

29. (Amended)

B9 A maize plant according to claim 20, wherein the genetic material of said plant further comprises one or more genes transferred by backcrossing.